

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:20-CV-00650-FDW-DSC**

ERIC DARDEN,

Plaintiff,

v.

**PRA GROUP, INC.
PORTFOLIO RECOVERY
ASSOCIATES, LLC,**

Defendant.

ORDER

THIS MATTER is before the Court on Plaintiff's Pro Se Motions for Default Judgment. (Doc. Nos. 4, 5). Plaintiff seeks an entry of default against Defendants and a default judgment awarded because of Defendants' failure to answer or otherwise respond to the lawsuit. (Doc. Nos. 4, 5). However, the record indicates Plaintiff has not filed any affidavit or other evidence showing proof of service on Defendants. Without proof of service, the Court is unable to conclude that service has taken place and finds the pending motions to be prematurely filed. The Court accordingly DENIES Plaintiff's Pro Se Motions for Default Judgement. (Doc. Nos. 4, 5).

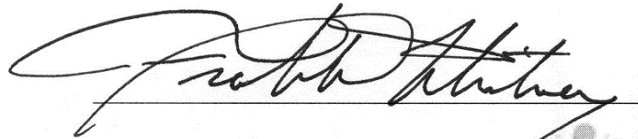
Federal Rule of Civil Procedure 4(l) requires "proof of service . . . to the court," unless service is waived. The record indicates Plaintiff has filed neither proof of service nor proof of waiver of service with this Court. In accordance with Fed. R. Civ. P. 4(l), the Court reminds Plaintiff to submit proof of service (or waiver) if service has already occurred. If service has not yet occurred, the Court further reminds Plaintiff that service (and proof thereof) must be made and filed within 90 days of filing the Complaint. Fed. R. Civ. P. 4(m). **Plaintiff is cautioned that**

failure to properly serve Defendants by February 22, 2021¹ and file proof of such service may result in dismissal of this action.

IT IS THEREFORE ORDERED that Plaintiff's Pro Se Motions for Default Judgment (Doc. Nos. 4, 5) are DENIED.

IT IS SO ORDERED.

Signed: January 26, 2021

A handwritten signature in black ink, appearing to read "Frank D. Whitney", written over a horizontal line.

Frank D. Whitney
United States District Judge



¹ February 22, 2021 is 90 days after the Complaint was filed on November 24, 2020. (Doc. No. 1).